



FEDERAL ELECTION COMMISSION
Washington DC 20463

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THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2492

DATE SCANNED

3/28/12

SCANNER NO.

2

SCAN OPERATOR

EEJ



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 SEP -1 A 9 09
August 31, 2011

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickerall/Ian Wandner *W* *SP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 July Quarterly Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 July Quarterly Report in accordance with 2 U.S.C. 434(a). The July Quarterly Report was due on July 15, 2011.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2011 JULY QUARTERLY Not Election Sensitive 07/15/2011 H_S_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2491	C00493742	BYRON GEORGIOU FOR SENATE	GEORGIOU, BYRON	MATTHEW DICKSON	\$1,926,880	0	7/22/2011	7	\$833,784	\$5,800
2492	C00484212	HUNT B DOWNER CAMPAIGN	DOWNER, HUNTINGTON B JR	ROBERT M. THOMPSON, JR	\$279,844	1		Not Filed	\$279,844 (est)	\$11,000
2493	C00467027	POLLAK FOR CONGRESS	POLLAK, JOEL BARRY	NEIL JOHNSON	\$153,371	2		Not Filed	\$153,371 (est)	\$9,075

12092680412

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2011)
July Quarterly Report for the)
Administrative Fine Program:)
BYRON GEORGIU FOR SENATE, and) AF# 2491
MATTHEW DICKSON as treasurer;)
HUNT B DOWNER CAMPAIGN, and) AF# 2492
ROBERT M THOMPSON JR as treasurer;)
POLLAK FOR CONGRESS, and) AF# 2493
JOHNSON, NEIL as treasurer;)

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on September 02, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2011 July Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated August 31, 2011, on the following committees:

AF#2491 Decided by a vote of 6-0 to: (1) find reason to believe that BYRON GEORGIU FOR SENATE, and MATTHEW DICKSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2492 Decided by a vote of 6-0 to: (1) find reason to believe that HUNT B DOWNER CAMPAIGN, and ROBERT M THOMPSON JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would

be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2493 Decided by a vote of 6-0 to: (1) find reason to believe that POLLAK FOR CONGRESS, and JOHNSON, NEIL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

September 6, 2011
Date

Shelley E. Gair
Shelley E. Gair
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 6, 2011

Robert M. Thompson, Jr., in official capacity as Treasurer
Hunt B Downer Campaign
7839 Main Street, P.O. Box 6042
Houma, LA 70361

C00484212
AF#: 2492

Dear Mr. Thompson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through June 30, 2011, shall be filed no later than July 15, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On September 2, 2011, the FEC found that there is reason to believe ("RTB") that Hunt B Downer Campaign and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2011. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$11,000. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$11,000 is due within forty (40) days of the finding, or by October 12, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$279,844
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or October 12, 2011. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2-U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Hunt B Downer Campaign and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

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3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

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ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$11,000 for the 2011 July Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by October 12, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Hunt B Downer Campaign

FEC ID#: C00484212

AF#: 2492

PAYMENT DUE DATE: October 12, 2011

PAYMENT AMOUNT DUE: \$11,000

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 NOV -8 P 12: 21

November 8, 2011

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC for PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division *DC*

BY: *Jodi Winship* Jodi Winship/Sari Pickerall
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2011 July Quarterly Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2011 July Quarterly Report. The list represents the committees that have not paid the civil money penalty. These committees have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, Hunt B Downer Campaign (AF 2492) filed the 2011 July Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$10,060 (previously calculated to be \$279,844), thus the fine would be lowered from \$11,000 to \$687.

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RAD Recommendation

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

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Federal Election Commission
 FD Circulation Report Fine Not Paid
 2011 JULY QUARTERLY Not Election Sensitive 07/15/2011 H_S_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2492	HUNT B DOWNER CAMPAIGN	DOWNER, HUNTINGTON B JR	C00484212	ROBERT M. THOMPSON, JR.	10/11/2011	Not Filed	\$10,080	1	09/02/2011	\$11,000	67	\$687
2493	POLLAK FOR CONGRESS	POLLAK, JOEL BARRY	C00467027	NEIL JOHNSON		Not Filed	\$153,371 (est)	2	09/02/2011	\$9,075	67	\$9,075

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2011 July Quarterly Report:)
HUNT B DOWNER CAMPAIGN, and) AF# 2492
ROBERT M THOMPSON JR as treasurer;)
POLLAK FOR CONGRESS, and) AF# 2493
JOHNSON, NEIL as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on November 09, 2011 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2011 July Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated November 08, 2011, on the following committees:

AF#2492 Decided by a vote of 6-0 to: (1) make a final determination that HUNT B DOWNER CAMPAIGN, and ROBERT M THOMPSON JR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2493 Decided by a vote of 6-0 to: (1) make a final determination that POLLAK FOR CONGRESS, and JOHNSON, NEIL as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter.

Federal Election Commission
Certification for Administrative Fines
November 09, 2011

Page 2

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 10, 2011

Date

Shawn Woodhead Werth

Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 10, 2011

Robert M. Thompson, Jr., in official capacity as Treasurer
Hunt B. Downer Campaign
PO Box 3648
Houma, LA 70361

C00484212
AF#: 2492

Dear Mr. Thompson:

On September 2, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Hunt B. Downer Campaign and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2011 July Quarterly Report. By letter dated September 6, 2011, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$11,000 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, you were required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. The amount of the civil money penalty has been changed to reflect the actual level of activity of the 2011 July Quarterly Report.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on November 9, 2011 that you, in your official capacity as treasurer, and Hunt B. Downer Campaign violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$687 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$10,060

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purposes of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 1

At this juncture, the following courses of action are available to you:

1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.


3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within thirty (30) days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

12092680424

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$687 for the 2011 July Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within thirty (30) days of receipt of this letter.

Payments by Personal Check

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Hunt B. Downer Campaign

FEC ID#: C00484212

AF#: 2492

PAYMENT AMOUNT DUE: \$687

12092680425

FOR: Hunt B. Downer Campaign

FEC ID#: C00484212

AF#: 2492

PAYMENT AMOUNT DUE: \$687

TOTAL P.004

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 000068700 BA# 1 12-09-11 20 3



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usbancorp.
The New Banking Connection

THORNTON STRATEGIES LLC		12-10	5075
P O BOX 3648 HOUMA, LA 70361			
Date		12/7/11	14-0650
Pay to the Order of:	Federal Election Commission	\$ 687.00	
Six hundred eighty seven & 00/100		Dollars	
Capital One Bank			
For C00484212 For		Quinn A. Thornton	



FEDERAL ELECTION COMMISSION
Washington DC 20463

12092680427

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2492

DATE SCANNED 3/28/12

SCANNER NO. 2

SCAN OPERATOR SES